

## APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2003-00057 DATED May 13, 2003

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

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PUBLIC SERVICE  
COMMISSION

Jonathan S. Roland

(Your Full Name)

COMPLAINANT

VS.

Case 2003-00057

Kenergy Corporation

(Name of Utility)

DEFENDANT

COMPLAINT

The complaint of Jonathan S. Roland respectfully shows:  
(Your Full Name)

(a) Jonathan S. Roland  
(Your Full Name)

9933 Highway 416 West / Roberts Ky 42452  
(Your Address)

(b) Kenergy Corporation  
(Name of Utility)

6402 Old Corydon Rd / Henderson Ky 42420  
(Address of Utility)

(c) That: Jonathan S. Roland lives in the  
(Describe here, attaching additional sheets if necessary,

territory serviced by Kentucky  
the specific act, fully and clearly, or facts that are the reason

Utilities and requests his electrical  
and basis for the complaint)

service be provided by Kentucky  
Utilities instead of Kenergy.

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Formal Complaint

Jonathan S. Roland vs. Kenergy Corporation

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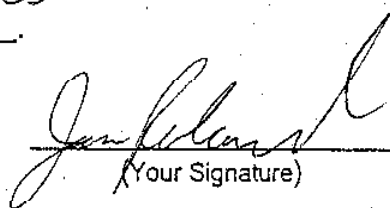
My residence is the only one on Hwy 416  
served by Kenergy; the others are  
served by KU. KU is better able to serve  
my needs, especially during power outages  
(and for a better rate)

Wherefore, complainant asks the Public Service Commission  
(Specifically state the relief desired.)

order Jonathan S. Roland be provided  
service by Kentucky Utilities instead  
of by Kenergy

Dated at Henderson, Kentucky, this 25<sup>th</sup> day  
(Your City)

of January, 2003  
(Month) 19

  
(Your Signature)

\_\_\_\_\_  
(Name and address of attorney, if any)

## APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2003-00057 DATED May 13, 2003

MAR 07 2003

PUBLIC SERVICE  
COMMISSION

**In the matter of:**

JONATHAN S. ROLAND

**COMPLAINANT**

VS.

**KENERGY CORPORATION**

**DEFENDANT**

**ANSWER**

The above named defendant for answer to the complaint in the proceeding, respectfully states:

(a) The defendant admits the names and addresses of the complainant and defendant as set forth in paragraphs (a) and (b) of the complaint. However, the

defendant's correct name is Kenergy Corp, (hereinafter "Kenergy"). The defendant is a "retail electric supplier" pursuant to KRS 278.010(4).

(b) Regarding paragraph (c) of the complaint, the defendant admits that the complainant's residence is served by Kenergy and that it is the only residence on this part of Kentucky Highway 416 that is served by Kenergy. Kenergy denies that Kentucky Utilities ("KU") is better able to serve the complainant's needs, during power outages or at any other times. Kenergy further denies the other allegations set forth in paragraph (c) of the complaint.

(c) When certified territory boundaries were established in 1972 the residence where complainant presently resides was the only residence on this particular part of Kentucky Highway 416. Kenergy's predecessor Henderson Union Electric Cooperative Corp. (hereinafter Kenergy and predecessor are collectively referred to as Kenergy) provided service to the residence at that time and had provided said service continuously since at least 1949.

(d) KU and Kenergy agreed to the location of the boundary, which included this residential customer being in Kenergy's territory. However, because of inadvertence, or for other reasons unknown to Kenergy, the residence was not

included in Kenergy's certified territory. Kenergy did not realize this omission until the complainant recently contacted Kenergy concerning this matter.

(e) It was the intent and understanding of the utilities, as well as the customer occupying the residence when the certified territories were established, that Kenergy would continue to provide the service, which it has done up until the present time. In reliance on its right and obligation to provide this service, Kenergy has invested in the poles and facilities that are utilized to provide the service and has maintained same as required by law, and the Commission should protect Kenergy's investment and recognize that Kenergy has the continued right to provide service to the complainant's residence.

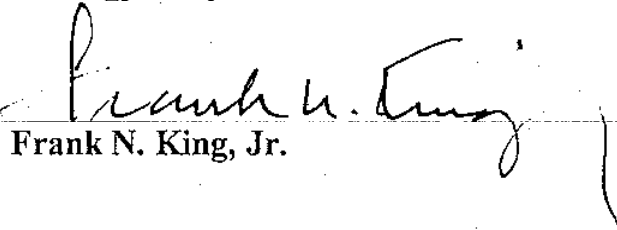
(f) Kenergy has provided adequate, reliable service to this residence at reasonable rates, approved by the Commission, for over half a century. In 1972 KU had actual knowledge of Kenergy's continuation of this service and has acquiesced in same since then. KU has, in effect, waived its right to serve this customer and the Commission should prevent the complainant from now switching service to KU.

**WHEREFORE**, the defendant requests that the complaint be dismissed absolutely, with prejudice; that if necessary the territorial boundary be

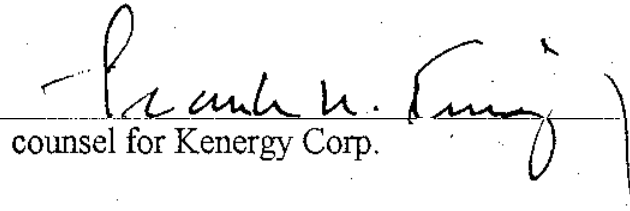
changed to reflect that the complainant's residence is in Kenergy's certified territory; and that the defendant be afforded all proper relief.

**DORSEY, KING, GRAY, NORMENT & HOPGOOD**  
318 Second Street  
Henderson, Kentucky 42420  
Telephone 270-826-3965  
Telefax 270-826-6672  
Counsel for Kenergy Corp.

By

  
Frank N. King, Jr.

I hereby certify that the foregoing was served on the complainant herein by mailing a true and correct copy of same, postage prepaid, to Jonathan S. Roland, 9933 Highway 416 West, Robards, Kentucky 42452, this 6<sup>th</sup> day of March, 2003..

  
counsel for Kenergy Corp.